

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

ERICK GARCÍA-TORRES,

Plaintiff,

v.

CARLOS SALAMANCA-RIVERA and  
UNITED SERVICE AUTOMOBILE  
ASSOCIATION,

Defendants.

Civil No. 09-2285 (JAF)

**ORDER**

Plaintiff sues Defendants in diversity for damages arising from an automobile accident. (Docket No. 1.) Defendant United Service Automobile Association (“USAA”) moves under Federal Rule of Civil Procedure 12(b)(1) for dismissal due to lack of subject-matter jurisdiction. (Docket No. 9.) Specifically, USAA claims that we lack diversity jurisdiction under 28 U.S.C. § 1332 because both USAA and Plaintiff are citizens of Puerto Rico. (Id.) In support of this argument, USAA submits an affidavit stating that USAA is an unincorporated association and that it has members who are citizens of Puerto Rico. (Docket No. 9-1.)

An unincorporated association “is considered to have the citizenship of its members for diversity purposes in federal court.” True v. Robles, 571 F.3d 412, 422 n.2 (5th Cir. 2009) (finding USAA an unincorporated association with members in all fifty states and not subject to federal diversity jurisdiction); see also Tuck v. United Servs. Auto. Ass’n, 859 F.2d 842,

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1 844–45 (10th Cir. 1988) (citing United Steelworkers of Am. v. Bouligny, Inc., 382 U.S. 145  
2 (1965)) (same).

3 In view of the foregoing, we find that USAA is not diverse and that we, therefore, lack  
4 subject-matter jurisdiction over this action. See, e.g., Alvarez-Torres v. Ryder Mem’l Hosp.,  
5 Inc., 582 F.3d 47, 53–54 (1st Cir. 2009) (recognizing requirement of complete diversity).

6 We, therefore, hereby **GRANT** USAA’s motion to dismiss for lack of subject-matter  
7 jurisdiction (Docket No. 9), and **DISMISS** Plaintiff’s complaint (Docket No. 1) without  
8 prejudice to refiling in a court of proper jurisdiction.

9 **IT IS SO ORDERED.**

10 San Juan, Puerto Rico, this 3<sup>rd</sup> day of September, 2010.

11 s/José Antonio Fusté  
12 JOSE ANTONIO FUSTE  
13 Chief U.S. District Judge